

VZCZCXRO9861
OO RUEHROV
DE RUEHKH #1081/01 1991427
ZNR UUUUU ZZH
O 171427Z JUL 08
FM AMEMBASSY KHARTOUM
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1367
INFO RUCNIAD/IGAD COLLECTIVE
RHMFISS/CJTJF HOA

UNCLAS SECTION 01 OF 02 KHARTOUM 001081

DEPT FOR AF/SPG, A/S FRAZER, SE WILLIAMSON
ADDIS ABABA FOR USAU
DEPT PLS PASS USAID FOR AFR/SUDAN

SENSITIVE
SIPDIS

E.O. 12958: N/A
TAGS: [PGOV](#) [PREL](#) [KPKO](#) [SOCI](#) [AU](#) [UNSC](#) [SU](#)
SUBJECT: GOSS MINISTER BENJAMIN ON ABYEI AND THE ICC

REF: A) KHARTOUM 1065
B) KHARTOUM 1059

11. (SBU) Summary: GOSS Minister for Regional Cooperation Barnabas Benjamin indicated he is hopeful that GOSS President Salva Kiir will successfully negotiate with VP Taha July 17 a solution to the Administrator and Deputy Administrator for Abyei. As Kiir himself told the CDA, he hoped to get an agreement on Abyei in exchange for heading the committee that will address the ICC charges (Ref B). Barnabas was deeply troubled by the delay in implementing this critical part of the Abyei roadmap agreement, which he views as another example of the NCP finding a difficult issue to renegotiate in order in order to delay the implementation of an agreement it does not like. We tend to agree with Barnabas, but Kiir should not sell his services cheaply and should take advantage of the NCP quandary on the ICC to get a solution on the interim administration. End Summary.

12. (SBU) Benjamin complained to CG that the delay in the selection of an Administrator for Abyei was due to the fact that the NCP still wanted to place a Misseryia in the Deputy position, and this was unacceptable to the SPLM. Although he had expected Kiir to return from talks in Khartoum on July 16, his return had been delayed and he was now expected him back in Juba July 17 or 18. Minister Benjamin hoped that Kiir would announce in a debriefing expected later today or early tomorrow that the impasse on Abyei had been solved. (Note: Kiir himself told the CDA he might be able to negotiate past the impasse on the interim administration in exchange for heading on the GNU Committee that will create a strategy to address the ICC charges. The committee plans to focus on demonstrating that the GNU has cooperated with efforts at peace, generating a plan to address the Darfur crisis, and a legal strategy to refute the ICC indictment. The Committee also includes VP Taha, Senior Assistant to the President Minni Minawi (who is still in Darfur), Assistant to the President and Eastern Front leader Musa Ahmed, State Minister of the Presidency Bakri Saleh, FM Deng Alor, Information Minister El Zehawi Ibrahim Malik, and Justice Minister Abdel Basit Sabdrat. End note.)

13. (SBU) Asked who the choice of the SPLM would be for the Administrator position, Benjamin indicated Edward Lino may be the current SPLM choice once again since the NCP hasn't backed off it's position to appoint a Misseryia to the Deputy position. Benjamin reported that he is very concerned about the delay in appointing the Administrator and Deputy, and said he believed it was a typical example of the NCP finding a difficult issue to renegotiate in order to delay implementing an agreement it does not want. On other fronts, however, he was more optimistic. He said the SAF was in the process of withdrawing from Abyei (albeit slowly), police forces from both the North and the South were now in place and ready to be trained by UNMIS, and the JIU was trained, positioned, and ready to begin its work. Everything was moving forward, if a little behind schedule, except for the Administrator and Deputy issue. (Note: UNMIS confirmed to ConGen Juba today that the SAF has withdrawn nearly 900 soldiers from the area, leaving about 250 in Abyei town

who appear to be packing in preparation for leaving. End Note.)

15. (SBU) Benjamin observed that Bashir wants Kiir on the committee because he has credibility with the UN and with the West, and so can talk to everyone and negotiate in good faith. Benjamin joked that Kiir's first act as committee chair should be to turn over Ahmed Harun and Ali Kushayb to the ICC. He then allowed that such a thing was highly unlikely, however. Still, he said, the SPLM had to be careful how it managed this affair so as not to become complicit in helping to protect ICC indictees. Asked his opinion of the ICC action, Benjamin opined that this will expose to Bashir the seriousness of the situation in Darfur in the eyes of the International Community, and that the NCP must be serious in solving the problem of Darfur or face the consequences. There was still time for Bashir to act, he said, since it will take a month or two for the judges on the ICC to consider the case. If the UN is allowed to do its work in Darfur, and if the peace process moves forward, perhaps Bashir still has time to avoid an arrest warrant.

16. (SBU) Asked if arrest warrants for Bashir would threaten the CPA, Benjamin said he thought not. "Individuals are not important to the process," he said. "Garang died and the CPA continued." The same could hold true with Bashir if the will to continue the peace process remained.

17. (SBU) Comment: The speculation among informed observers in Khartoum is that Kiir and Taha have been negotiating the interim administration over the last two days in exchange for Kiir serving on the ICC response committee. However, the committee has already been announced and it appears that the CPA parties have not reached an agreement on the interim administration, which is disappointing. We advised Kiir and FM Alor not to sell their services cheaply but

KHARTOUM 00001081 002 OF 002

it appears that keeping the regime stable was of primary importance to the SPLM after the announcement of the indictment. The SPLM's highly moderated and nuanced statement on the indictment and the Darfur conflict (a copy of which has been sent to AF/SPG) which assigned no blame and offered the SPLM's services in resolving the problem, shows how far the SPLM is willing to go in order not to rock the boat.

FERNANDEZ